



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



452180

REPLY TO THE ATTENTION OF:

C-14J

March 4, 2003

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Graphic Packaging Corporation  
Legal Department  
4455 Table Mountain Drive  
Golden, CO 80403

Re: Request for Information Pursuant to Section 104(e) of CERCLA for Allied Paper/Portage Creek/Kalamazoo River Superfund Site in Kalamazoo and Allegan Counties, Michigan

Dear Sir or Madam:

The United States Environmental Protection Agency ("U.S. EPA" or the "Agency") is in the process of supplementing the investigation conducted by the Michigan Department of Environmental Quality at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site (the "Site"), which is located in Kalamazoo and Allegan Counties, Michigan. U.S. EPA believes that Graphic Packaging Corporation ("Graphic Packaging") may have information that is relevant to this investigation.

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.* ("CERCLA") gives U.S. EPA the authority to: (1) assess contaminated sites; (2) determine the threats to human health and the environment; and (3) clean up contaminated sites. Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), U.S. EPA has the authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or a threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility; and
- C. The ability of responsible parties to pay the costs of the clean up.

U.S. EPA requests that Graphic Packaging provide information and documents relating to the release of hazardous substances, particularly polychlorinated biphenyls ("PCBs"), at and from any Graphic

Packaging mill, as that term is defined in Attachment 5.

U.S. EPA understands that PCBs were used in the manufacture of "no-carbon required" or "NCR" paper during the period 1954 to 1971. The Agency also understands that PCBs were introduced directly into the secondary fiber recycle stream through the recycling of broke produced in the manufacture of NCR paper, and through the recycling of converter trim from processors of NCR paper. PCBs were introduced indirectly into the secondary fiber recycle stream through the recycling of post-consumer waste paper containing NCR paper. The Agency is attempting to determine to what extent Graphic Packaging may have purchased, either directly or indirectly through waste paper brokers, NCR paper broke from the National Cash Register Corporation, NCR Corporation of Dayton, Ohio, or from any of the NCR paper coating facilities identified on Attachment 2 during the periods indicated. The Agency is also attempting to determine to what extent Graphic Packaging may have purchased NCR paper converter trim from any source during the period 1954 through 1971. Finally, U.S. EPA is attempting to determine the quantity and fate of PCBs contained in the wastes generated at any Graphic Packaging mill between 1954 and 1989.

The Agency issues this Information Request under authority of Section 104(e) of CERCLA. Graphic Packaging should respond completely and truthfully to this Information Request as soon as possible, but not later than sixty (60) days from the date of receipt of this request. Instructions for completion of the response are in Attachment 4; definitions of terms used in this Information Request and its questions are in Attachment 5. Unless otherwise defined, all terms used in the Information Request have the same meaning ascribed to them in CERCLA or the National Oil and Hazardous Substances Pollution Contingency Plan.

Graphic Packaging may consider some of the requested information to be confidential. If Graphic Packaging wishes to assert a privilege of business confidentiality, it must nevertheless respond to the question and advise U.S. EPA that it requests that the Agency treat the response as confidential business information. Directions on how to assert a claim of business confidentiality are in Attachment 6.

Compliance with an Information Request issued under Section 104(e) of CERCLA is mandatory. Failure to respond fully and truthfully within sixty (60) days after receipt of this letter, or to justify adequately any failure to respond, can result in enforcement action pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5).

This Information Request is directed to Graphic Packaging, its officers, directors and employees, and its subsidiaries, divisions, facilities and their officers, directors and employees. The relevant time period is January 1954 to December 1989, or as otherwise noted in the specific requests. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 *et seq.*

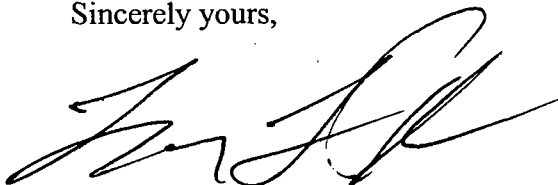
March 4, 2003

Please mail your response within sixty (60) days after your receipt of this information request to:

Eileen L. Furey  
Associate Regional Counsel (C-14J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3507

We appreciate your effort to respond fully and promptly to this Information Request. Please direct any legal or other questions you may have regarding this information request to Ms. Furey at (312) 886-7950, or Ms. Renita Ford, U.S. Department of Justice at (202) 305-0232.

Sincerely yours,



Janice S. Loughlin  
Section Chief  
Office of Regional Counsel  
Multi-Media Branch II  
U.S. EPA, Region 5

Attachments:

1. Requests for Information
2. NCR Paper Coating Facilities
3. Waste Paper Brokers Identified by U.S. EPA as of the Date of this Information Request
4. Instructions
5. Definitions
6. Confidential Business Information

cc: E. Furey (EPA)  
M. Adams (EPA)  
S. Kolak (EPA)  
R. Ford (U.S. DOJ)  
N. Gordon (MI Attorney General)  
Mary-Lynn Taylor (DOI)

**Attachment 1**

**INFORMATION REQUESTS**

**Fiber Furnish and Paper Production**

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request, or who may be able to provide additional responsive documents, identify such persons.
4. Identify and generally describe each Graphic Packaging mill, as that term is defined in Attachment 5.
5. Identify all current and prior owners of each Graphic Packaging mill identified in response to Request #4. For each such owner or prior owner, further identify:
  - a) the property owned;
  - b) the dates of ownership;
  - c) all evidence showing that the owner controls or controlled access to any portion of the property;
  - d) all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at or from the owner's property during the period of its ownership; and
  - e) the nature of each transaction by which ownership of the mill was transferred from one party to another (e.g. stock purchaser, merger, asset sale, etc.)
6. Identify all current and prior operators, including lessors, of each Graphic Packaging mill identified in response to Request #4, or any portion thereof. For each such operator, further identify:
  - a) the property at which it conducts or conducted operations;
  - b) the dates of operation;
  - c) the nature of the operator's operations;
  - d) all evidence that the operator controls or controlled access to the property or any portion thereof; and
  - e) all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the portion of the property at which the operator conducts or conducted operations.
7. Identify each source or potential source of the release of hazardous substances, pollutants,

or contaminants (*e.g.* polychlorinated biphenyls or "PCBs") from the Graphic Packaging mill including, without limitation:

- a) discharges of total suspended solids ("TSS") in wastewater;
  - b) erosion from waste disposal areas located at the Graphic Packaging mill or elsewhere (*e.g.* landfill areas) used for the disposal of wastes generated at the Graphic Packaging mill;
  - c) exceedances of TSS loading limits established by the State of Michigan and/or U.S. EPA;
  - d) dewatering lagoon areas located at the Graphic Packaging mill;
  - e) storm sewer leaks and discharges;
  - f) sewer line leaks and discharges; and
  - g) machine, transformer or other equipment leaks and discharges.
8. Identify any data, analyses or other information regarding the nature and quantity of hazardous substances released from each source or potential source you identified in response to Request #7, above. To the greatest extent possible, identify any such data, estimates, analyses or other information on an annual basis from 1954 through 1989.
  9. For the period 1954 to 1989, identify for each year the types and amounts of fiber furnish used at each Graphic Packaging mill in tons. Fiber furnish may include, but is not limited to, old corrugated container (OCC); double-lined kraft (DLK); paperboard; mixed waste paper; fine paper, bond, ledger, envelopes; old newsprint (ONP); pulp substitutes (specify type and source), purchased secondary fiber pulp (specify source); and virgin pulp (specify type).
  10. For the period 1954 to 1989 and for each Graphic Packaging mill, identify the types and amounts of paper products produced annually in tons.
  11. For each paper product identified in response to Request #10, identify calculated shrinkage (*i.e.*, yield on fiber furnish) for each paper product on an annual basis. If not available, identify typical or estimated shrinkage for each paper product.
  12. Identify, for each Graphic Packaging mill, the annual operating days per year.
  13. For the period 1954 through 1971, identify the dates (month and year) and amounts in pounds of NCR paper broke that you purchased directly or otherwise obtained from any of the sources listed in Attachment 2, or from any other NCR paper coating facility.
  14. For the period 1954 through 1971, identify the dates (month and year) and amounts in pounds of NCR paper broke and/or NCR paper converter trim that you purchased or otherwise obtained directly from or through any waste paper broker listed in Attachment 3,

or from any other person. Identify, to the extent possible, the name and address of the waste paper broker or other person from whom the NCR paper broke and/or NCR paper converter trim was obtained or purchased.

15. For the period 1954 through 1989, identify the dates (month and year) and amounts in pounds of post-consumer waste paper that you purchased or otherwise obtained directly from or through any waste paper broker listed in Attachment 3, or from any other person. To the extent possible, identify the name and address of the waste paper broker or other person from whom the post-consumer waste paper was purchased or otherwise obtained.
16. To the extent available and not otherwise identified in response to Requests #14-15 above, identify the current names, addresses and phone numbers for all waste paper brokers or other person from whom you purchased or otherwise obtained any type of secondary fiber during the period 1954 to 1989.

Process Water Management; Wastewater Treatment; Wastewater Sludge Disposal

17. For the period 1954 to 1989 and for each Graphic Packaging mill, identify the dates (month and year) when save-alls were installed and/or upgraded on each paper machine at the mill.
18. For each save-all identified in response to Request #17, specify the type of each save-all and the estimated efficiency of fiber recovery in per cent.
19. For the period 1954 to 1989 and on an annual basis, identify the volume and disposition of each of the wastewater streams generated at each Graphic Packaging mill (e.g., discharged directly to a receiving water with or without treatment; discharged indirectly through a municipal sewerage system; or discharged to an off-site industrial wastewater treatment system), including but not limited to:
  - Pulping and/or deinking wastewaters
  - Paper machine whitewaters
  - Other process and non-process wastewaters (Identify.)

(Reported volumes of the process wastewaters should be specified in either gallons per minute (gpm), gallons per day (gpd), or million gallons per day (mgd).)

20. For the period 1954 to 1989 and on an annual basis, for each of the process wastewater streams identified in response to Request #19, identify the type(s) of on-site wastewater treatment, if any, provided (e.g., settling lagoons, primary treatment in clarifiers, secondary biological treatment; advanced wastewater treatment). Provide schematic diagrams of the wastewater treatment facilities and monthly wastewater treatment system operating data for bypassed flow (i.e., untreated or partially treated wastewaters), treated effluent flow and

untreated and treated wastewater total suspended solids (TSS) concentrations and mass discharges (e.g., pounds per day).

21. For the period 1971 to 1989 and on an annual basis, identify the amount in dry tons of wastewater treatment sludge generated at each Graphic Packaging mill and the disposition of the sludge (e.g., disposed in on-site or off-site landfills).
22. Identify the name and location of any facility used for the disposal of wastewater treatment sludge generated at each Graphic Packaging mill.
23. Identify any data, analyses or other information regarding potential erosion of waste materials from any lagoon, landfill or other disposal facility identified in your response to Requests # 19-22.

Information Regarding PCBs

24. For each Graphic Packaging mill, provide copies of all reports, data or other records showing PCB concentrations in the following materials:

- Fiber furnishes used at the mill
- Paper products produced at the mill
- Untreated and treated wastewaters generated at the mill
- Wastewater treatment sludges generated at the mill
- Atmospheric emissions from the mill
- Machine, transformer or other oils used at the mill

25. Provide copies of all reports, data or other records in your possession, whether generated by Graphic Packaging or its consultants, generated by paper industry trade associations and/or research organizations, or generated by government agencies and organizations, showing PCB concentrations in the following materials: secondary fibers used as furnishes to secondary fiber pulp and paper mills; pulp substitutes; virgin pulps; any paper mill products, (e.g, paper, paperboard, tissue); process wastewaters; wastewater treatment sludges; atmospheric emissions, or other materials associated with the pulp and paper industry.

**Attachment 2 – NCR Paper Coating Facilities**

<u>NCR Paper Coating Mill</u>	<u>Period of Interest</u>
Appleton Coated Paper Company 825 East Wisconsin Avenue Appleton, WI 54911  a.k.a. Appleton Papers, Inc. div., National Cash Register Corporation	1954 to 1971
Appleton Papers Inc. Combined Paper Mills Division sub., The National Cash Register Company 540 Prospect Street Combined Locks, WI 54113  a.k.a. Combined Paper Mills, Inc. Locks Mill	1968 to 1971
Nekoosa-Edwards Paper Company, Inc. 100 Wisconsin River Drive Port Edwards, WI 54469	1968 to 1971
The Mead Corporation Chillicothe Mill South Paint Street Chillicothe, Ohio 45601	1954 to 1971



**Attachment 3****Waste Paper Brokers Identified by U.S. EPA as of the Date of the Information Request**

<u>Name</u>	<u>Telephone</u>
National Fiber Supply Co. 55 E Monroe St. #3425 Chicago IL 60603-5890	312-346-4800
National Fiber Supply Company 500 Line Railroad Co. 3798 N. Arlington Ave. Kansas City KS 66115-1106	913-321-0066
Golper Supply Co. 1810 W. Edgewood Dr. Appleton WI 54915-9799	920-731-3266
Milwaukee Waste Paper Co. 2342 N. Newhall St. Milwaukee WI 53211-4398	414-271-5320
Batliner Paper Stock Co. 2501 E. Front St. Kansas City MO 64120-1687	816-483-3343
Buffalo Paper Stock Co. Buffalo Paperboard Corp. 470 Ohio St. Lockport NY 14094-4288	716-434-2045
Consolidated Fibers Inc. now IVEX Packaging Corporation 100 Tristate Dr. Suite 200 Lincolnshire IL 60069	847-945-9100
Scherman Bros Scherman Pulp & Paper 180 Grand Ave. Oakland CA 94612-3741	510-832-3980

Graphic Packaging Corporation

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Royal Paper Stock Co. Inc. 513-771-6820  
3023 E Kemper Rd. #7  
Cincinnati OH 45241-1509

Donco Paper Supply Co. 920-432-7900  
2050 Riverside Dr.  
Green Bay WI 54301

Continental Paper Grading Co. 312-226-2010  
1623 S. Lumber St.  
Chicago IL 60616

International Cellulose Inc. 312-847-8000  
3110 W 28<sup>th</sup> St. 773-847-8000  
Chicago IL 60623

Mead Pulp Sales Inc. 937-495-6323  
10 W 2<sup>nd</sup> St. #1  
Dayton OH 45402-1775

Pioneer Paper Stock 215-630-9881  
5000 Singleton Blvd.  
Dallas TX 75212

Pioneer Paper Stock 314-746-1100  
(now Smurfit Recycling)  
8182 Maryland Ave.  
Clayton MO 63105

The Segal-Schadel Company  
40-80 S. Yale Avenue  
Columbus, OH 43222

**Attachment 4**

**INSTRUCTIONS**

1. Precede each answer with the number of the question to which it corresponds. For any document submitted in response to a question, indicate the number of the question to which it is responsive.
2. In answering each question, identify all persons and contributing sources of information.
3. Although U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
4. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
5. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
6. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepares the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

7. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
8. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Attachment 6.

**Attachment 5****DEFINITIONS**

1. The term **"you"** refers to the Graphic Packaging Corporation, which owns and operates certain paperboard manufacturing facilities in Kalamazoo, Michigan. The term further refers to the officers, directors and employees of Graphic Packaging Corporation., its subsidiaries, divisions, facilities, and their officers, directors and employees.
2. The term "Graphic Packaging mill" refers to any paper manufacturing facility previously or presently owned or operated by Graphic Packaging Corporation, or a predecessor thereof, between 1954 and the present, and from which process or non-process wastes were released (or threatened to be released) into the Kalamazoo River, its floodplains or floodplain soils.
3. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.
4. The term **person** as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
5. The Site referenced in these documents shall mean the Allied Paper/Portage Creek/Kalamazoo River Superfund Site located in Kalamazoo and Allegan Counties, Michigan.
6. The term **hazardous substance** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
7. The term **pollutant or contaminant** shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
8. The term **release** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
9. The term **identify** means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

10. The term ***identify*** means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (*e.g.*, corporation, partnership, etc.), organization, if any, and a brief description of its business.
11. The term ***identify*** means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and the substance or the subject matter.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Part 260-280, in which case, the statutory or regulatory definitions shall apply.

**Attachment 6****CONFIDENTIAL BUSINESS INFORMATION**

You may consider some of the information that U.S. EPA is requesting to be confidential. You cannot withhold information or records upon that basis. The regulations at 40 C.F.R. Part 2, Section 200 *et seq.* require that the U.S. EPA afford you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (*See* 41 Fed Reg. 36902 *et seq.* (September 1, 1976); 43 Fed. Reg. 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish U.S. EPA to treat the information or record as "confidential," you must advise U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential," and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, *i.e.* until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether U.S. EPA or other federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a

determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;

6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of U.S. EPA to obtain similar information in the future; and

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(c). If you do not identify this information and documents as "confidential," your comments will be available to the public without further notice to you.